REMARKS:

In the Office Action, the pending claims 1-10 are indicated as being rejected, the drawings were objected to, and the Examiner has acknowledged Applicant's claim for domestic priority. Claims 4 and 5 are indicated as being allowable if rewritten in independent form and if a terminal disclaimer is submitted. The following remarks are directed to claims 1-10 and the drawings.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-10 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 1-5 and 10 substantially in accordance with the Examiner's suggestions. Therefore, withdrawal of the § 112, second paragraph, rejection of claims 1-5 and 10 is respectfully requested. Since claims 6-9 depend from claim 1, withdrawal of the § 112, second paragraph, rejections of those claims is also requested.

Rejection - 35 U.S.C. § 102(b)

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0485599 to *Kokaguchi et al.* For the reasons noted below, Applicant respectfully traverses the § 102(b) rejection of claim 1. Withdrawal of the rejection is respectfully requested.

The Examiner contends that the invention disclosed in *Kokaguchi et al.* is a "roll-over" airbag because it is capable of providing at least some degree of protection during a roll-over. However, the Examiner does not provide any factual support for this contention.

One of ordinary skill in the art would understand that the airbag described in *Kokaguchi et al.* is only deployed in response to a frontal impact. Upon initiation, a front impact airbag is fully inflated and then immediately deflates, with the entire inflation/deflation cycle taking less than about 30 milliseconds (as noted in U.S. Patent No. 6,673,728). Even assuming that the roll-over event was preceded by a frontal impact, the

airbag device in *Kokaguchi et al.* would have already deflated by the time the vehicle was even partially inverted. In roll-over events not preceded by frontal impact, the frontal airbag does not deploy at all unless there is a frontal impact at some point between the time the vehicle is inverted and the time it finally comes to rest. Accordingly, the airbag device in *Kokaguchi et al.* is not "A roll-over airbag for a vehicle," as recited in claim 1.

Rejection - 35 U.S.C. § 103(a)

Claims 2, 3 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kokaguchi et al.* in view of DE 2552815 to *Ronn et al.* and JP 06016099 to *Takahashi et al.* Claims 7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kokaguchi et al.* in view of *Ronn et al.*, *Takahashi et al.* and JP 05016751 to *Toru*. For the reason noted below, Applicant respectfully traverses the Examiner's § 103(a) rejection of claims 2, 3 and 6. Withdrawal of the rejection is respectfully requested.

None of the cited references disclose or teach using an airbag made of a material that is impermeable to the expansion fluid from an inflator, as recited in amended claims 2 and 3. All of the cited references are directed to front-impact airbags which are designed to be permeable, to some degree, relative to the expansion fluid produced by the inflator (i.e., inflator gases). The permeability of the airbag material allows for the rapid deflation required in front-impact airbags. Accordingly, one of ordinary skill in the art at the time of the invention would not have been motivated to combine the disclosures of the cited references to come up with the invention recited in amended claims 2 and 3. Nor would one of ordinary skill in the art been motivated, based on the teachings of the cited references, to come up with the invention of claim 6, which depends from claim 3, or the invention of claims 7 and 9, which depend from claim 6.

Double-Patenting

In the Office Action, the Examiner states that should claim 3 be allowable, claim 2 will be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof. Applicant

respectfully submits that claim 2 is not a substantial duplicate of claim 3. As amended, claim 2 recites the following element (emphasis added):

> at least one securement member disposed proximate said perimeter ***for providing a reinforcing lap joint***, each said at least one securement member having an upper portion bonded to said first fabric panel and a lower portion bonded to said second fabric panel thereby distributing stress associated with expansion of said roll-over airbag over a larger surface area.

In contrast, amended claim 3 recites the following element:

> at least one securement member disposed proximate said perimeter, each said at least one securement member having an upper portion bonded to said first fabric panel and a lower portion bonded to said second fabric panel thereby distributing stress associated with expansion of said roll-over airbag over a larger surface area;

Accordingly, amended claim 2 recites a functional feature of the invention (i.e., "for providing a reinforcing lap joint") that is not recited in amended claim 3. Therefore, the inventions recited in those claims define different inventions and, therefore, are patentably distinct from each other.

Obviousness-Type Double Patenting

In the Office Action, claims 4 and 5 have been rejected for under the judicially created doctrine of obviousness-type double patenting. In particular, claims 4 and 5 have been rejected as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,113,141 ("the '141 patent"), which is the parent of the present application. The Examiner has indicated that claims 4 and 5 would be allowable if amended to be in independent form to include all the limitations of the base claim and any intervening claims and if a terminal disclaimer is filed.

Applicant has amended claims 4 and 5 to be in independent form. Applicant is

submitting herewith a terminal disclaimer with respect to the '141 patent. Withdrawal of the double-patenting rejection is respectfully requested.

Drawings

Corrections to the drawings, as suggested by the Examiner in the Office Action, have been made. A copy of the corrected drawings is being filed concurrently herewith. Applicant requests that the corrected drawings be entered in the record. Withdrawal of the objection to the drawings is respectfully requested.